IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

THURSDAY, THE 18TH JANUARY 2007 / 28TH PAUSHA 1928

MACA.No. 15 of 2007(A)

OPMV.458/2002 of MOTOR ACCIDENT CLAIMS TRIBUNAL, PALA
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APPELLANT/PETITIONER:

P.V. JOSEPH, S/O.VARGHESE,
PAMPOORIKKAL HOUSE, PONTHANPUZHA P.O.,
KARIMPANAKULAM, KARIKKATTOOR, MANIMALA.

BY ADV. SRI.SHAJI THOMAS PORKKATTIL

RESPONDENTS: RESPONDENTS 3 TO 6:
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1. THE UNITED INDIA INSURANCE COMPANY LTD.,
CHENGANASSERY BRANCH, CHENGANASSERY P.O.

2. MAR JOSEPH POWATHIL,
ARCH BISHIP OF CHANGANASSERY.

3. THOMAS K.PEELIYANI,
PEELIYANICKAL HOUSE, NEDUMANNY P.O.

4. THANKAMMA GEORGE,
KALLARACKAL KADAVIL, KUMARAMANGALAM P.O.,
THODUPUZHA.

BY

THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING COME UP FOR ADMISSION ON 18/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.S. RADHAKRISHNAN & M.N. KRISHNAN, JJ.

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M.A.C.A. NO. 15 OF 2007

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Dated this the 18th day of January, 2007.

J U D G M E N T

Krishnan,J.

This is an appeal preferred against the award of the Motor Accidents Claims Tribunal, Pala in O.P.(MV) 458/02. The claimant sustained injuries in a road accident and he was admitted with crush injury of the leg. There was considerable loss of blood and he has undergone a prolonged treatment. Considering the entire materials available, the Tribunal awarded a total compensation of Rs.3,05,263/-. It is against that decision the claimant has preferred this appeal.

2. Learned counsel for the appellant would contend that the amount awarded under various heads are inadequate considering the injuries and nature of treatment the claimant had undergone. The Tribunal has considered each and every aspect in this case. He was inpatient in the hospital for 147 days. So, taking into consideration of that aspect, bystander's expense was allowed. For the medical expenses, the Tribunal took note of Exts.A12 and 13 and granted an amount of Rs.1,59,823/-. The Tribunal further awarded Rs.2,500/- for extra nourishment. It has

also considered the fact that petitioner might have visited hospital at least for 75 times. For that at the rate of Rs.250/- the Tribunal has granted a sum of Rs.18,750/- towards transport expenses. He was an agriculturist by profession. Therefore, the Tribunal taking note of the decision of the Apex Court, fixed his income at Rs.2,000/-. That is, basing reliance upon the decision of **New India Insurance Co. Ltd. V. Charlie (2005 ACJ 1131)**. Then the Tribunal also take note of the disability at 12% issued by the Doctor and calculated the compensation by applying a multiplier of 13 and fixing his age at 45 awarded Rs.37,440/- towards permanent partial disability. The Tribunal has also awarded Rs.20,000/- for pain and sufferings besides Rs.12,000/- for loss of amenities and enjoyment in life. So, this is a case where the Tribunal has considered the documentary as well as oral evidence available and had come to a just and reasonable compensation as envisaged under section 166 of the M.V. Act. The appeal, therefore, lacks merit and it is dismissed.

K.S. RADHAKRISHNAN, JUDGE.

M.N. KRISHNAN, JUDGE.

ul/-